

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAMIE WEIRAUCH,

Plaintiff,

v.

Case No. 20-11511
Honorable Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING REPORT AND
RECOMMENDATION [#26] AND DISMISSING ACTION**

This matter comes before the Court on Magistrate Judge Patricia T. Morris's Report and Recommendation. [ECF No. 26] Plaintiff filed this action on June 10, 2020, asking this Court to review the Commissioner's final decision to deny her claim for Disability Insurance Benefits and Supplemental Security Income pursuant to the Social Security Act. The Magistrate Judge entered the Report and Recommendation on March 23, 2021, wherein she recommended that the Court grant the Commissioner's Motion for Summary Judgment [ECF No. 23], deny Plaintiff's Motion for Summary Judgment [ECF Nos. 21 and 22 (both filed the same day, the first only the one page motion and the second the one page motion and the related brief)], and dismiss Plaintiff's cause of action. Neither party filed any objections to the Report and Recommendation.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching her conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if it is supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure

to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above,

IT IS ORDERED that the Report and Recommendation [ECF No. 26, filed March 23, 2021] is **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [ECF Nos. 21 and 22, filed October 13, 2020] is **DENIED**.

IT IS FURTHER ORDERED that the Commissioner's Motion for Summary Judgment [ECF No. 23, filed October 27, 2020] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITH PREJUDICE**. Judgment shall be entered separately.

DATED: September 30, 2021

s/Denise Page Hood
DENISE PAGE HOOD
United States District Judge